

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

TYWON McINTYRE

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Criminal No. CCB-14-0237

Civil No. CCB-16-2588

MEMORANDUM

Tywon McIntyre has filed a motion to vacate under 28 U.S.C. § 2255 relying on the decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). McIntyre was sentenced for his conviction of Hobbs Act Robbery in violation of 18 U.S.C. § 1951(a). He was not sentenced as an Armed Career Criminal or as a career offender under mandatory guidelines. Johnson does not apply. The court varied upward because of the seriousness of the offense and McIntyre's criminal record, but it did not impose any "enhancement" based on a prior "crime of violence."

Accordingly, McIntyre's petition must be denied. No certificate of appealability will be issued. A separate order follows.

Date: _____

4/11/18

CCB
Catherine C. Blake
United States District Judge